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| 09/272,075      | 03/18/1999  | ANDREAS HENNIGER     | GR-98-P-1381        | 5171             |

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EXAMINER

CHANG, JUNGWON

| ART UNIT | PAPER NUMBER |
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2154

DATE MAILED: 12/18/2002

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/272,075

Applicant(s)

HENNIGER ET AL.

Examiner

Jungwon Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-11 are presented for examination.
2. Acknowledgement is made of a letter filed on 8/23/2002, which noted that certified copies of the priority documents Germany 198 11 841.4 will be transmitted.
3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The following terms lack proper antecedent basis:
    1. the group – claim 8, line 2;

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1, 2 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Echensperger et al. (US 6,199,160 B1).

6. As to claim 1, Echensperger et al. disclose the invention substantially as claimed, including a telecommunication system having a remote administration function (col. 6, lines 2-7) comprising:

a telecommunications apparatus (2, fig. 2) defining a virtual terminal (4, 5, fig. 2) with properties of a terminal with administration authorization (col. 6, lines 54-62); and a remote computer (T, fig. 2) connected to said telecommunications apparatus (2, fig. 2) , and a data stream to and from said terminal being diverted to said remote computer (col. 5, lines 62-66).

7. As to claim 2, Echensperger et al. further disclose that said terminal with administration authorization is a telephone (col. 6, lines 2-7).

8. As to claim 6, Echensperger et al. disclose said remote computer has a message interpreter and an emulator providing an interface and functionality of said terminal with administration authorization (col. 4, lines 51-67).

9. As to claims 7 and 8, Echensperger et al. disclose said telecommunications apparatus has a data interface (API, 6, fig. 3) and control traffic between said virtual port and said telecommunication apparatus is diverted to said data interface (col. 6, lines 44-53).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3-5 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Echensperger et al. (US 6,199,160 B1).

12. As to claims 3-5, Echensperger et al. do not specifically disclose a virtual port. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a virtual port in Echensperger et al's system because doing so would provide a communication port, or a command/status port for accessing status and performance information about the communication device, thereby it could establish a communications connection.

13. As to claims 9-11, Echensperger et al. disclose the telecommunication apparatus has a device handler (5, fig. 2) and virtual terminals (4, fig. 2) inside of the device handler for ports in third OSI layer (col. 1, lines 15-30); and call processing unit has an application interface (API, 6, fig. 2). Echensperger et al. do not specifically disclose UPN terminal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include UPN (universal personal number) terminal because

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virtual terminal is known as a universal terminal so any terminal can talk with any host computer.

14. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaffer et al (US 6,185,290 B1).

15. As to claim 1, Shaffer et al. disclose the invention substantially as claimed, including a telecommunication system having a remote administration function (col. 2, lines 29-42), comprising:

a telecommunications apparatus (238, 240, 242, fig. 2) defining a terminal with properties of a terminal with administration authorization (col. 14, lines 64-67; col. 15, lines 1-16; col. 27, lines 15-29); and

a remote computer (207, 248, fig. 2) connected to said telecommunications apparatus, and a data stream to and from said terminal being diverted to said remote computer (col. 17, lines 61-67; col. 18, lines 1-9; col. 27, lines 30-48).

16. Shaffer et al. do not specifically disclose terminal is a virtual terminal. However, Shaffer et al. disclose that the terminal (213, 231, fig. 2) is defined as a standard on the network that can handle diverse terminals (col. 27, lines 15-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the virtual terminal to Shaffer et al. because it would provide for any terminal to communicate with any host computer.

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17. As to claim 2, Shaffer et al. further disclose that said terminal with administration authorization is a telephone (col. 27, lines 50-61).

18. As to claims 3-5, Shaffer et al. disclose said telecommunication apparatus has a virtual unit and port (col. 34, lines 64-67; col. 35, lines 8-16).

19. As to claim 6, Shaffer et al. disclose said remote computer has a message interpreter and an emulator providing an interface and functionality of said terminal with administration authorization (col. 28, lines 1-5).

20. As to claim 7, Shaffer et al. disclose said telecommunications apparatus has a data interface and control traffic between said virtual port and said telecommunication apparatus is diverted to said data interface (214, fig. 2; col. 29, lines 45-67; col. 30, lines 1-9; col. 34, lines 64-67; col. 35, lines 8-16).

21. As to claim 8, Shaffer et al. disclose said data interface is selected from the group consisting of a V.24 interface, an analog modem and an integrated service digital network card (col. 28, lines 6-13).

22. As to claims 9-11, Shaffer et al. further disclose said telecommunications

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apparatus having a call processing unit (fig. 3; col. 15, lines 17-28; col. 27, lines 30-48); said call processing unit has an application interface (col. 8, lines 26-37; col. 11, lines 2-15; col. 24, lines 31-34).

23. Applicant's arguments filed 2/4/02 have been fully considered but they are not persuasive.

24. In the remarks, applicants argued in substance that

(1) Shaffer does not disclose a remote administration of a telecommunication systems.

(2) Shaffer does not teach or suggest providing a virtual end device with the characteristics of an administrative end device, whereby a data flow to and from the virtual end device is diverted to a remote computer, so that an administration of the telecommunication system via the remote computer is enabled.

25. Examiner respectfully traverses applicants' remarks.

As to point (1), Shaffer discloses a remote computer (202, 248, fig. 2) has a message interpreter and emulator providing an interface and functionality of the terminal with administration authorization (col. 27, lines 50-67; col. 28, lines 1-13). Furthermore, Shaffer discloses a remote administration function so as to be able to perform the changes via a service center (col. 21, lines 10-16 and 35-41; col. 24, lines 56-62).



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As to point (2), Applicant argues not found in the claims. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. In re Self, 213USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11,15 (CCPA 1978).

### **Conclusion**

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Staples et al, patent 5,889,845, Buhrmann et al, patent 5,933,778 disclose method and system for providing a remote user with a virtual presence to an office.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang  
December 13, 2002

  
ZARNI MAUNG  
PRIMARY EXAMINER